



MINUTES
REGULAR COMMISSION MEETING
Ed Burke Recreation Center - 11400 NE 9th Court
Biscayne Park, FL 33161
Tuesday, October 6, 2015 at 7:00pm

1 Call to Order

Mayor David Coviello called the meeting to order at 7:00pm.

2 Roll Call

Mayor David Coviello - present
Vice Mayor Anderson - present
Commissioner Fred Jonas - present
Commissioner Roxanna Ross - present
Commissioner Barbara Watts - present

Present from staff were:

Village Manager Heidi Siegel
Village Clerk Maria C. Camara
Village Attorney John Hearn
Public Services Manager Krishan Manners
Detective Lieutenant Hector Pineda
Corporal Nick Wollschlager
Finance Manager Claude Charles
Derrick Murray, Public Works

3 Pledge of Allegiance

4 Presentations

4.a Proclamation - October is Breast Cancer Awareness Month

4.b Detective Lieutenant Pineda introduced new Reserve Police Officer Michael Pupo.

4.c Public Art Advisory Board Chair Amy Raymond introduced two initiatives:

- > Metal dog silhouettes for pet waste stations
- > Call to Artists for a sculpture

There was consensus and full support from the Commission for the Board to proceed with the initiatives as presented.

5 Additions, Deletions or Withdrawals to the Agenda

Manager Siegel pulls item 8.c Resolution 2015-47 from Consent.

Commissioner Ross requests that item 10.b, Resolution 2015-49, is included in the Consent Agenda.

Commissioner Jonas requests that items 10.a and 12.g are combined and heard at one time.

6 Public Comments Related to Agenda Items / Good & Welfare

Andrew Olis: You have heard about the incident on 121st Street where there was a gun fight and car fled down 5th Avenue. Gun shots came down our street. Happened to be at home and heard the endless shots and cars racing down. Neighbors also heard it. Found a bullet hole in landscaper's van that was working at a house at end of street. Other neighbors also witnessed it. It is a miracle no one was killed. A while back close to getting the median at this intersection closed which would have been wonderful and safe. Need to get this closed. Biscayne Park should not care if the building owner did not want it closed. We have valid reasons to get this closed and this should be the last straw. Need to insure our safety here. Another neighbor and I spoke to residents of Clarence House and they agreed it is getting dangerous there. Other residents have spoken on this issue before and the incidents that regularly happen there. Many illegal driving maneuvers on 121st Street. Need a strong action and response from Biscayne Park.

Vicki Smith-Bilt: At home on Saturday evening during this occurrence. A good block and a half away and was able to hear it. Seconds everything stated by Andrew Olis. Had previously fought to close the median immediately in front of my property. Was able to overcome all the obstacles and got it done. Time has passed and rules changed, but when the temporary barricades where up, they worked. Simply because we live on a bordered street does not mean we should have less safety. Constantly call to patrol our streets and to issue tickets. Driving on this street is dreadful. Delivery trucks park there. Terrible public safety issue that needs to be addressed now. Should not acquiesce to North Miami. Regarding the dais, you need to have flexible space, even though intent is for meetings. If you build permanent dais, will reduce use of space. Will submit photos to the clerk on how we utilize space in our building. Need to leave the space wide open and provide service area. Do not limit yourself.

Colby Lewis: Not here to exaggerate what happened during the incident. Not as many shots as was stated. If you close that block, will be difficult to make turns. For garbage trucks as well. Instead of putting pressure on ourselves, put pressure on North Miami. Have them close off the exit points for that building. Commend our police department. Have confronted those that live in building when they have shot up in the air. If you block driveway for those buildings, they can only exit one way and will keep off our street. When first moved in since age 5, the history of don't even think of speeding was effective. Need to get back to that. A lot going around our block to change and close it off. It is not necessary. Will cause more trouble and havoc. Even if closed off and there is a shooting, won't prevent going down the block. We need to control our area. Go to North Miami and put pressure on them to take control of that building and close down driveways and limit their exit points.

Howard Bushman: Many sides to the gun debate in this country, but all agree we do not want to be shot. When first discussed closure, it was about traffic and bad driving and that is real. Put up the barricades and the problem stopped. Many more people were out walking and outside their home during that time it was closed. Not at home during shooting. Biscayne Park has a real tangible way to make sure that a car involved with a shooting does not come down our street. If the Village refuses to do this, it is a liability issue. Sure that everyone agrees to do it, but you have to find a way to make it happen. No excuses. Will provide private funding. There are studies to prove traffic issues. Since it was so easy to speed and get away down our street, they chose our street. We have a real, actual and economical solution to solve the problem. If the Village made this not passable, and someone still did something criminal, you would be in a much better situation from a litigation perspective. No longer talking about just a traffic issue. Have had break in attempts before, but have never seen anything like this happen in front of my house. Hope you all take this seriously as if it was in front of yours. Implore you for your constituents or at a minimum for the sake of protecting the Village's liability risk.

Effie Silva: Sad state of affairs that it takes a shooting to come to a meeting. In my front yard when the shooting happened. At first did not recognize as gun shots. Here to support the cause of action for liability reasons. Am petitioning to reopen this matter and to consider the barricade of this median. Also request a delegation to go to North Miami. Delegates would then report back to the Commission on what is happening and to get monthly updates on how this is progressing and what the Commission's proactive measures are. The Commission is my speaking piece to North Miami. Vested in giving monetary funding for this. Have political access to help. Don't believe that there is any opposition except for North Miami. Shooter's sister came to my house to get help to get an attorney and legal help. Do not feel safe. Commend Biscayne Park Police for being on the scene so quickly. Asks for heavier police presence in the area because of potential revenge. Cause was due to a long standing feud. A very serious matter. It will take a village to get this done.

Harvey Bilt: On the traffic on 121st Street, it is not just for Clarence House. There are others that use it to bypass other roads. Always blow through stop signs. Fire rescue does not care, they use alternate routes. Garbage trucks should not be using that intersection for tight turns. To close would be an inconvenience, but it would be safer and well worth it. On the dais, in regards to podium, it is currently at the side and not in the center. Should not have one that is permanently mounted. And should be wired for sound and moveable.

Robert Chapin: Not in town during the Saturday episode. As Harvey stated, would be inconvenient for garbage trucks, but form them to do an alternate route is nothing compared to a child or pet getting hurt. In full support. Will participate either monetarily or part of think tank. Thanks Village response, from Heidi and most of the Commission.

Mike Oliva: Thanks Commission for thankless job. We are scared, even though we are from Chicago. Many options on the table as a resolution. Please look at all. Concerned if a fire truck could not get to my home. Choose best options and consider this. Minutes matter.

Elizabeth Martinez: At home during shooting. It was terrifying. Support closing of the median. Not perfect solution, but will add to the solution. Village response is to make sure residents are safe.

Junior Fuenmayor: Very ironic that I suggested this idea eight years ago. Went through the whole process. Now we are talking about a shooting. Have put up high hedges at our home to prevent people taking fruits off our trees. We are a little Village living next to this monster which is North Miami. We are on the border and need to do something to avoid these situations. Worked in a country where we know how to make divisions for demographics and economical differences. This problem will continue with this building that has hundreds of low income people. There will always be situations from there. Illegal things happening there. Very scary. We need to be protected. I know you will do whatever it takes. Have to take actions to feel more secure at that street.

Chester Morris: On the median closure, was on the Commission when the median was closed in front of Harvey Bilt's house. Took a lot to do it. It can be done. In 46 years living here, never heard a gun shot. These people deserve to have that median closed. On Breast Cancer Month, will look for a sponsorship. On Public Art, recommend to speak with Susan Ackley in Miami Shores. Will look to get money for Winterfest from Rotary. A lot of talent in the Park, and those who give of their time and treasures. Look for new idea on the dais. Use the people that are here and listen to them. Many not in favor of spending \$24,000.

Lori Agustini: Want to bring something positive to the Commission's attention. Have heard negative things about those that use basketball court. But a team has been created and positive changes have happened. Grew up in the Village and participated in many sports activities. Want to bring this back to the Village. Husband has started volunteering to coach and the participation is great. Started rough, but now there is a mutual respect. There are rules and they must show their report cards. Something positive for them to do. They are dedicated even when our courts are closed. Now have two teams. This is a positive influence for them and good for the Village. Spoke with Village Manager and working with her staff. Kids sometimes can be rough, but with guidance they can become constructive. Want the Village to step up and continue to help these kids. Have found a sponsor to get them uniforms and to join a league. Will work with the Recreation Advisory Board. Majority of the kids out there are involved. Want to see the courts opened up again. Suggest putting up bike racks closer to the courts. Give them use of the full court. Wanted to let you know this is going on.

Janey Anderson: On budget process, thanks all. One of the smoothest ever. Should be proud of your staff. Commission in the Community Open Forum a great idea. So much sharing of ideas would be possible. One item I disagree with is 12.a Board Appointments. Owners only have a financial interest. It is different than the passion you have for the place you call home. There are residents that are property owners that can't serve because they are married to a Commissioner.

Kristen Montouri: Encourage patience on the dais idea. Table that for a while. Not part of original plan. Seems to be what the majority of those that have spoken feel.

6.a Response to prior public comments and inquiries:

Manager Siegel: Basketball courts are open now. Previously closed for two weeks due to behavior problems. Need to get control over this. Also an issue with the fence where support bar heads need to be re-installed. Soccer program uses the courts during afternoons, but after that, the courts are open. A group of 15-17 requires a permit. Bike racks, bench and pee-wee size hoops have been ordered.

7 Information / Updates

7.a Update on 500 block of Northeast 121st Street Median by Manager Siegel:

- Appreciates the passion of everyone and recognizes it was a scary situation.
- Not a part of the Village when the median was closed and then re-opened.

Reached out to Dr. Joan Chen, Director of Miami Dade County Traffic Engineering.

- County has no concerns with closing the median, but advised that North Miami's concurrence is required.
- The City of North Miami is currently going through a change in administration.

- Detective Lieutenant Pineda has reached out to North Miami Police Department and they have no opinion either way. Two arrest have been made, but currently an
- active investigation and cannot comment. Concerned with some inaccurate information that has been given. Will continue to work closely with North Miami Police.

After Commission discussion, consensus to have the Manager to formulate our best argument and move forward with approaching North Miami again.

- 7.b FY 2014-15 Monthly Financials ending 08/31/2015 presented by Finance Manager Claude Charles.

8 Consent Agenda

8.a Approval of Minutes

September 1, 2015 Regular Commission Meeting
September 10, 2015 1st Public Hearing FY 2015-16 Budget
September 24, 2015 2nd Public Hearing FY 2015-16 Budget

8.b Acceptance of Board Minutes

Parks & Parkway Advisory Board - April 8, 2015
Parks & Parkway Advisory Board - August 19, 2015
Recreation Advisory Board - August 25, 2015
Biscayne Park Foundation - August 24, 2015
Planning & Zoning Board - September 8, 2015
Planning & Zoning Board - September 21, 2015
Code Compliance Board - September 16, 2015
Public Art Advisory Board - September 9, 2015

10.b Resolution 2015-49

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, SUPPORTING HOUSE BILL 141 AND SENATE BILL 310 AND CALLING ON THE FLORIDA LEGISLATURE TO INFORM THE UNITED STATES CONGRESS OF ITS DESIRE TO PLACE A STATUE OF ENVIRONMENTALIST MARJORY STONEMAN DOUGLAS OR CIVIL RIGHTS LEADER MARY MCLEOD BETHUNE, OR OTHER APPROPRIATE FLORIDIAN IN THE CONGRESSIONAL COLLECTION REPRESENTING FLORIDA AND TO REPLACE THE STATUE OF CONFEDERATE GENERAL EDMUND KIRBY SMITH, CURRENTLY ONE OF TWO STATUES REPRESENTING FLORIDA IN STATUARY HALL IN WASHINGTON, DC; PROVIDING FOR AN EFFECTIVE DATE

Vice Mayor Anderson makes a motion to approve the consent agenda and it is seconded by Commissioner Jonas.

All in favor: Mayor Coviello, Vice Mayor Anderson, Commissioner Jonas, Commissioner Ross and Commissioner Watts.

Opposed: None

Motion carries: 5/0

8.c **Resolution 2015-47**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **AMENDING THE SCHEDULE OF FEES FOR SERVICES PROVIDED** AND REGULARLY CHARGED AS SPECIFIED BY VILLAGE CODE; PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title.

Manager Siegel explained the following corrections to the fee schedule under Code Compliance:

- > Fine per day maximum if the Board finds the violation to be irreparable or irreversible in nature. Correct amount is \$1,000.
- > Limit per violation unless the Board finds the violation to be irreparable or irreversible in nature. Correct amount is \$5,000.

Commissioner Jonas makes a motion to approve Resolution 2015-47 as amended and it is seconded by Commissioner Anderson.

All in favor: Mayor Coviello, Vice Mayor Anderson, Commissioner Jonas, Commissioner Ross and Commissioner Watts.

Opposed: None

Motion carries: 5/0

9 **Ordinances**

< None >

10 **Resolutions**

Resolution 2015-48 will be heard along with Agenda Item 12.g under New Business

10.a **Resolution 2015-48**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK **AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT TO CONTRACT BETWEEN MCKENZIE CONSTRUCTION LLC, AND THE VILLAGE OF BISCAYNE PARK FOR PHASE IV OF THE LOG CABIN RESTORATION PROJECT**; PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title.

Manager Siegel explained that this is the change order for Phase IV of the log cabin restoration project.

12.g **New Log Cabin Dais Proposal: Residents Build it for Cost - As requested by Commissioner Watts**

Commissioner Watts proposes that Village we proceed with Phase IV, but to remove the dais and podium and instead have residents that have expertise build the dais and make it a community project.

Hector Gonzalez from McKenzie Construction presented a design based on the previous feedback and pricing.

Mayor Coviello: Phase IV was part of a bid process. Asks for attorney's opinion.

Attorney Hearn: We have an awarded contract and Phase IV includes several items. Would need to have McKenzie agree that they would honor pricing on all other items if the dais was removed. If we use residents, we would not have certain insurance requirements and guarantees or warranties. Would prefer to have a contract.

Charlie Easton: Have done this type of work for 30 years. Cannot understand the increased cost to put wheels. A lot of money to spend for a bench for you guys to sit at. Can be done through volunteers. Can be seen as a tribute to their work instead of a symbol of municipal power.

Vice Mayor Anderson: Were never given an option to look at another design. But we have no costs to compare to. Concerned how volunteers would do this. Agrees with the attorney and prefer to have a contract. Not comfortable with changing the rules mid way.

Commissioner Ross: Concerned with work being done without a contract, without a performance bond, spending Village money without a contract. Also concerned with waivers and liability issues. Already went through a bid process and certain reliances were made by McKenzie. McKenzie has put in a lot of resources on this. Removing this one piece would have an impact. We are so close to the finish line and this change could delay the project.

Commissioner Jonas: Unimaginable that this room would be used for any event that would not need some form of table. Don't see a need to have it moveable.

Commissioner Jonas makes a motion to approve Resolution 2015-48 without making the dais moveable, using the smaller size, subtract the lip, simple design and no laminate. The motion is seconded by Commissioner Ross.

All in favor: Commissioner Jonas and Commissioner Ross

Opposed: Mayor Coviello, Vice Mayor Anderson and Commissioner Watts

Motion fails: 2/3

Vice Mayor Anderson makes a motion to approve Phase IV and to hold off on the dais until other design ideas are considered, and contingent upon keeping the costs the same for the rest of the items under Phase IV.

Motion fails for lack of a second.

Commissioner Ross makes a motion to approve Phase IV and to include the dais, and to re-examine the design of the dais. The motion is seconded by Commissioner Jonas.

All in favor: Mayor Coviello, Commissioner Anderson, Commissioner Jonas and Commissioner Ross
Opposed: Commissioner Watts
Motion carries: 4/1

Commissioner Jonas requests that the review of an alternate design not take longer than two weeks. Manager Siegel confirms.

11 Old Business

< None >

12 New Business

12.a Discussion of board appointments - residents vs property owners - As requested by Mayor Coviello

Mayor Coviello: Current code provides that you need to reside only, and not be a property owner, except for Code Compliance Board which requires both.

Commissioner Jonas and Vice Mayor Anderson both agree that you should both be a property owner and resident to be on the Planning & Zoning Board and Code Compliance Board.

Commissioner Ross does not agree. Prefer to be a resident, but not necessarily a property owner.

After discussion, there is consensus to direct the attorney to draft an ordinance to add language to have a board member be both a property owner and resident for the Planning & Zoning Board and Code Compliance Board.

12.b Code Compliance Board - global discussion on format - As requested by Mayor Coviello

Mayor Coviello suggests to have Attorney Hearn attend the Code Compliance Board meetings. Concern is for mitigation cases.

Commissioner Anderson would prefer to have a Hearing Master.

Commissioner Ross is concerned with the role of the Attorney as it relates to our current code. May put our attorney in a position that conflicts our code.

Attorney Hearn clarifies that he has always represented the board as state law requires.

Linda Dillon: For past three years serving on the Board, has look to the attorney for guidance. The Board does consider staff's recommendation. States there has never been an issue.

Attorney Hearn: Typical in other cities to have an attorney present. On special magistrate, usual charge is \$100-\$150/hr. But there are some cities where the service is done at no charge.

After discussion, there is consensus to have Attorney Hearn attend the next meeting of the Code Compliance Board to review the process and to focus on mitigation. Village Manager should also attend.

12.c Review of the attendance of Village Boards

Clerk Camara provided the attendance of all board members for the current and prior year. While the current code has a provision for excessive absences and when a board member needs to be replaced because of it, the manner in which absences are reported as outlined in the code is not being properly followed.

At 10:55pm, Vice Mayor Anderson makes a motion to extend the meeting for an additional 15 minutes. Motion fails for lack of second.

After discussion, Commissioner Ross makes a motion to direct the attorney to draft an ordinance that excessive absences without cause and without prior approval are included in the minutes of the meeting of all boards. The motion is seconded by Commissioner Jonas.

All in favor: Mayor Coviello, Vice Mayor Anderson, Commissioner Jonas, Commissioner Ross and Commissioner Watts.
Opposed: None
Motion carries: 5/0

Clerk Camara asks for direction on the status of the Ecology Board, and there is consensus to continue the discussion at next month's meeting.

Items 12.e, 12.d and 12.f from the agenda are also moved to next month's meeting.

13 Request for Placement of Items on Next Meeting Agenda

< None >

14 Reports

14.a Village Manager

- Waste Pro's service data was provided for the year.
- Green Day event coming up on October 24, looking for volunteers.
- At next meeting will discuss Village Manager's annual review.
- On Annexation, waiting on County.

- On log cabin project, roof is happening.

14.a Village Attorney

< None >

14.b Boards

< None >

15 Announcements

Monday, October 12th - All Village Departments are closed in observance of
Columbus Day

Wednesday, October 14th - Public Art Advisory Board at 6:00pm

Wednesday, October 14th - Code Compliance Board at 7:00pm

Saturday, October 17th - AARP Driver Safety Program at 1:00pm

Saturday, October 17th - Food & Tunes Oktoberfest at 7:00pm

Monday, October 19th - Ecology Board at 6:30pm

Monday, October 19th - Planning & Zoning Board at 6:30pm

Wednesday, October 21st - Parks & Parkway Advisory Board at 7:00pm

Tuesday, October 27th - Recreation Advisory Board at 7:00pm

Saturday, October 31st - Halloween Fun House at 4:00pm

Monday, November 2nd - Planning & Zoning Board at 6:30pm

Saturday, November 7th - Movie Night in the Park at 6:30pm

Monday, November 9th - Code Compliance Board at 7:00pm

Our next regular Commission meeting is Tuesday, November 10, 2015, at 7:00pm

Adjournment

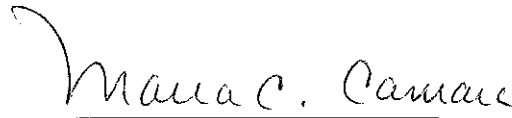
The meeting was adjourned at 11:05pm.

Commission approved on November 10, 2015.

Attest:



David Coviello, Mayor



Maria Camara, Village Clerk